

ALASKA STATE LEGISLATURE  
**SENATE RULES COMMITTEE**  
April 3, 2002  
10:35 a.m.

**MEMBERS PRESENT**

Senator Randy Phillips, Chair  
Senator John Cowdery, Vice Chair  
Senator Gene Therriault

**MEMBERS ABSENT**

Senator Rick Halford  
Senator Johnny Ellis

**COMMITTEE CALENDAR**

SENATE BILL NO. 205

"An Act relating to control of nuisance wild animals; and providing for an effective date."

APPROVED FOR CALENDARING

SENATE BILL NO. 220

"An Act relating to the scope of practice authorized under a license to practice hairdressing."

APPROVED FOR CALENDARING

SENATE BILL NO. 328

"An Act requiring that a nonresident big game hunter be accompanied by a big game guide who is providing big game hunting services to the nonresident under a contract with the nonresident or who is employed by a big game guide who has a contract to provide big game hunting services to the nonresident."

APPROVED FOR CALENDARING

SENATE BILL NO. 342

"An Act relating to the long term care ombudsman."

APPROVED FOR CALENDARING

CS FOR HOUSE BILL NO. 343(FIN)

"An Act extending the termination date of the Board of Professional Counselors; and relating to licensing of professional counselors."

APPROVED FOR CALENDARING

**PREVIOUS COMMITTEE ACTION**

**WITNESS REGISTER**

Ms. Amy Erickson  
Staff to Representative Murkowski  
Alaska State Capitol  
Juneau, AK 99801-1182  
**POSITION STATEMENT:** Presented CSHB 343(FIN) for the sponsor

Ms. Anne Henry  
Chair, Board of Professional Counselors  
Division of Occupational Licensing  
Department of Community & Economic Development  
PO Box 110806  
Juneau, AK 99811-0806  
**POSITION STATEMENT:** Explained the proposed amendments to CSHB 343(FIN) to committee members

Dr. Phillip Baker  
Alaska Psychological Association  
4325 Laurel #215  
Anchorage, AK 99508  
**POSITION STATEMENT:** Opposed to CSHB 343(FIN) letter of intent

Dr. Deborah Mohn  
Alaska Psychological Association  
2024 Shepherdia  
Anchorage, AK 99508  
**POSITION STATEMENT:** Opposed to CSHB 343(FIN) letter of intent

Dr. David Sperbeck  
Psychology Licensing Board  
2530 Debarr Rd.  
Anchorage, AK 99508  
**POSITION STATEMENT:** Opposed to CSHB 343(FIN) letter of intent

**ACTION NARRATIVE**

**TAPE 02-5, SIDE A**  
Number 001

**CHAIRMAN RANDY PHILLIPS** called the Senate Rules Committee meeting to order at 10:35 a.m. Present were Senators Cowdery, Therriault, and Phillips. Chairman Phillips informed members that SB 205 would not be heard as it was not in the possession of the committee. The committee took up SB 220.

#SB 220  
SENATOR COWDERY moved to calendar at the Chairman's discretion **SB**

**220-SCOPE OF PRACTICE OF HAIRDRESSING** with its attached fiscal notes.

There being no objection, CHAIRMAN PHILLIPS announced the motion carried.

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#SB 328

SENATOR COWDERY moved to calendar at the Chairman's discretion **SB 328-BIG GAME HUNTERS ACCOMPANIED BY GUIDE** with its two accompanying fiscal notes.

There being no objection, CHAIRMAN PHILLIPS announced the motion carried.

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#SB 342

SENATOR COWDERY moved to calendar at the Chairman's discretion **SB 342-LONG TERM CARE OMBUDSMAN** with its attached fiscal notes.

There being no objection, CHAIRMAN PHILLIPS announced the motion carried.

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#HB 343

CHAIRMAN PHILLIPS announced that today's Senate Rules hearing on **CSHB 343-BD OF PROF. COUNSELORS: SUNSET & MISC (FIN)** is the first committee hearing in the Senate. He informed members that the committee would take public testimony and that Senator Therriault would offer amendments to CSHB 343(FIN).

MS. AMY ERICKSON, staff to Representative Murkowski and the House Labor and Commerce Committee, explained that CSHB 343(FIN) extends the termination date of the Board of Professional Counselors and amends professional counselors' education requirements to 60 semester hours during or after their achieved graduate degree. The bill also allows counselors to begin earning their supervised experience immediately upon completion of their education, instead of waiting until they complete their graduate hours of training.

MS. ERICKSON stated that Amendment 1 (J.3) will allow licensed professional counselors from other states to meet criteria to supervise clinicians. Master's level clinicians who have been supervised outside of Alaska will receive credit for their work when they move to the state and apply for licensure. Amendment 2 (J.4) simply clarifies that certifications for all types of supervising professionals will remain in effect unless their

licenses are revoked, suspended, or otherwise lapse. Two amendments have been proposed by the Board of Professional Counselors.

SENATOR THERRIAULT clarified that it came to light that if a clinician had done a practicum or was supervised under the direction of a supervisor out of state, the clinician would have to start from scratch when he or she moved to Alaska. The amendments basically say that the time a clinician spends under supervision in another state will count toward Alaska's requirements.

MS. ERICKSON agreed.

MS. ANNE HENRY, Chair of the Board of Licensed Professional Counselors, informed members that as the board was reviewing its regulations, it came across a provision that would have allowed only professional counselors licensed in Alaska to supervise. The board wanted to clarify that licensed professional counselors in other states could also supervise. The second change that pertains to Amendment 2 is the result of a glitch that allows the board to decertify any licensed professional counselor who lost his or her license but does not allow the board to decertify any other counseling professional.

CHAIRMAN PHILLIPS took teleconference testimony.

DR. PHILLIP BAKER, Executive Director of the Alaska Psychological Association (APA), offered the following testimony. The APA supports the extension of the licensing of professional counselors through the next sunset period, which ends in June of 2005. However, buried within the text of HB 343 is a letter of intent indicating a recommendation that all four mental health boards, the Boards of Psychologists, Marriage and Family Therapists, and Social Workers and Professional Counselors, be combined into one board. The APA takes great exception to that letter of intent and urges that it be dropped from the bill.

DR. BAKER explained that with Governor Hickel's desire to reduce the size and expense of government, legislation passed that required professional boards to reduce their size and costs. At that time, Senator Drue Pearce was Chair of the Senate Labor and Commerce Committee and contacted the APA. The only other mental health board at that time was a board of social workers. The two boards agreed to take on the full costs of the operation of their boards in order to remain separate. The boards felt the administration of those licensing boards is very labor intensive and requires a lot of applicant review work. Both boards felt

that combining them would reduce the oversight function, create problems, and possibly increase liability from consumers who might be more at risk. Members of the Division of Legislative Budget and Audit have indicated that no economic benefit will be gained by combining the board. However, this issue came up as the result of an audit done last spring by the division in which several other boards (Boards of Family and Marital Therapists and Professional Counselors) felt there might be an economy of effort to establish their internal organization. The Boards of Psychologists and Social Workers already have well-established infrastructures and do not need that kind of work. What is overlooked in this proposal is the loss of potential oversight function and that more people will probably be needed to coordinate, oversee and supervise the boards involved. For these reasons, the APA recommends that something be done to drop the letter of intent from the bill.

DR. SPERBECK, Chairman of the Psychology Licensing Board, echoed Dr. Baker's comments about the Psychology Licensing Board's objection to being integrated with other boards. The scope of training and practice of psychologists is very different from the other professionals. He spends at least 5 to 10 hours per week evaluating training curricula, coursework, ethical issues and continuing education for the psychology profession for the purpose of protecting the public. He is only able to do that because he is a trained psychologist and knows what to look for. He does not feel qualified to evaluate the training curricula of social workers or other counseling professionals. He is strongly opposed to integrating the boards. He pointed out that in other jurisdictions, such as Kansas and Nebraska, with combined boards, the result was not favorable and many reversed that action. Psychologists have been willing to pay higher licensing fees to remain independent.

MS. DEBORAH MOHN, President of the Alaska Psychological Association, said she agrees with the last two speakers. As a child psychologist, her education and training were quite different from that of a social worker or licensed professional counselor. She said it would be impossible to be familiar enough with the licensing requirements of all of the fields to protect the public.

CHAIRMAN PHILLIPS asked Dr. Baker if the Senate Labor and Commerce Committee intended to adopt the letter of intent.

DR. BAKER said he did not know.

SENATOR THERRIAULT moved to adopt Amendment 1, which reads as

follows.

22-LS1275\J.3  
Lauterbach  
4/16/02

A M E N D M E N T 1

OFFERED IN THE SENATE  
TO: CSHB 343(FIN)

Page 2, following line 27:

Insert a new bill section to read:

"\* **Sec. 3.** AS 08.29.210(a) is amended to read:

(a) The board shall approve and certify a person as an approved counselor supervisor for the purposes of this chapter if the person

(1) is licensed [UNDER THIS CHAPTER] as a professional counselor or is a licensed physician, licensed advanced nurse practitioner who is certified to provide psychiatric or mental health services, licensed clinical social worker, licensed marital and family therapist, licensed psychologist, or licensed psychological associate;

(2) submits an application for certification and the appropriate fee;

(3) has five years of counseling experience;

(4) provides to the board for its approval or disapproval a statement that details the person's supervision philosophy, orientation, and experience; and

(5) meets other criteria that may be established by the board in regulations."

MS. ERICKSON explained that Amendment 1 will allow professional counselors from other states to meet the criteria to supervise clinicians.

There being no objection, CHAIRMAN PHILLIPS announced the motion carried.

SENATOR THERRIAULT moved to adopt Amendment 2 (J.4), which reads as follows.

22-LS1275\J.4  
Lauterbach  
4/16/02

A M E N D M E N T 2

OFFERED IN THE SENATE  
TO: CSHB 343(FIN)

Page 2, following line 27:

Insert a new bill section to read:

"\* **Sec. 3.** AS 08.29.210(b) is amended to read:

(b) Certification under (a) of this section remains in effect, without the need for renewal of the certification, until the person's professional licensure [AS A PROFESSIONAL COUNSELOR] is revoked, suspended, or otherwise lapses."

MS. ERICKSON explained that Amendment 2 clarifies that certifications for all types of supervising professionals will remain in effect unless their license is revoked, suspended, or lapses.

SENATOR THERRIAULT asked if Amendment 2 is linked to the first amendment as far as eliminating the ability to do supervisory work if a license is pulled.

MS. ERICKSON said that is correct.

There being no objection to Amendment 2, CHAIRMAN PHILLIPS announced that Amendment 2 was adopted.

SENATOR THERRIAULT asked if the fiscal note reflects an increase in fees.

MS. CATHERINE REARDON, Director of the Division of Occupational Licensing, informed members that the fiscal note reflects the division's expenditures that have been requested in the 2003 budget. That request is based on the amount spent last year. She also mentioned that the House letter of intent was in members' packets when the bill was discussed by the Senate Labor and Commerce Committee. Members did not specifically address the letter of intent or take any action on it.

CHAIRMAN PHILLIPS asked if whether the letter of intent has any effect on any fiscal note.

MS. REARDON said it does not because the letter of intent says it is the intent of the House that the boards merge in 2005. Legislation would have to pass to do that so the fiscal note attached to that legislation would contain those costs.

SENATOR THERRIAULT moved SCS HB 343(RLS) for calendaring with one

zero fiscal note.

CHAIRMAN PHILLIPS announced that with no objection, the motion carried.

CHAIRMAN PHILLIPS said the committee will not take up the letter of intent, which he personally opposes.

SENATOR THERRIAULT said that by taking no action, the Senate cannot undo the action taken in the House so the House's expression of intent still stands. The letter actually specifies that it is the intent of the House Labor and Commerce Committee. He noted the third paragraph of the letter extends an offer to the boards to propose alternative combinations. He said he feels comfortable not taking action on the letter of intent as it will stand as the House's expression alone. He pointed out the Senate could not take action to negate it anyway.

CHAIRMAN PHILLIPS said that is true unless the Senate amends it to be the intent of the Senate and House. He noted that due to lack of interest, the committee would take no action on the letter of intent.

SENATOR THERRIAULT indicated that any senator can bring the letter of intent up on the Senate floor.

CHAIRMAN PHILLIPS agreed. With no further business, he adjourned the meeting at 10:57 a.m.

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